



County of Los Angeles

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April 28, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

MOTION TO SUPPORT AB 408 (STEINBERG) RELATED TO PERMANENCY FOR OLDER FOSTER YOUTH (ITEM NO. 15, AGENDA OF APRIL 29, 2003)

Item Number 15 on the April 29, 2003 agenda is a motion by Supervisor Antonovich to send a five-signature letter to Governor Gray Davis, Assemblyman Steinberg and the State Legislature urging the passage of AB 408 that seeks to ensure permanency for older children in the foster care system.

AB 408 is a comprehensive bill that makes a number of changes to existing law intended to enhance the quality of life for foster youth and ensure that no child be emancipated from the foster care system without a connection to a committed and caring adult. Although the intent of AB 408 is positive, the Department of Children and Family Services (DCFS) recommends a position of **support if amended**, and we concur. DCFS and my office are concerned about the additional workload responsibilities included in the bill without funding to defray costs, and County Counsel, DCFS and my office have concerns regarding the potential liability associated with one of the bill's provisions.

As amended on April 9, 2003, AB 408 would require case reports and/or procedures to include a discussion of whether the child has relationships with individuals other than the child's siblings that are important to the child and efforts made to identify an appropriate prospective adoptive parent or legal guardian. This new aspect of the child's case would be required to be included in the: 1) social study or evaluation made by a social worker or court appointed child advocate and required to be in evidence; 2) court's periodic review of the status of a dependent child; 3) supplemental report to be filed in connection with the court's periodic review of the status of a dependent child; 4) assessment prepared when the court orders a hearing on the termination of parental

rights or establishing guardianship; 5) county welfare department's report required when the court reviews the case for a child the court has ordered parental rights terminated; and 6) review required to be held every six months as to the progress toward permanency for a dependent child.

AB 408 also requires: 1) the juvenile court to review and consider alternative permanent living arrangements for a child in long-term foster care, if compelling reasons exist for finding that return to the home of a parent, placement for adoption, or appointment of a legal guardian are not in the best interest of the child; 2) the inclusion of information provided by persons identified by the participant as important within the transition independent living plan; 3) that a case plan for permanent placement services provided to a child include a discussion of individuals who are important to the child and efforts to maintain the child's relationships with those persons; and 4) if a child 10 years of age or older is not present at a hearing, that the judge inquire as to whether the child was notified and the reason why the child is not present.

Existing State laws and regulations prevent foster caregivers from providing consent for foster kids to participate in many activities. To this end, AB 408 establishes a "prudent parent" standard for foster caregivers in order to allow foster kids to engage in age-appropriate activities such as overnight visits with friends without a criminal background check of the friends' parents being required, field trips, or visits to the mall. Currently, caregivers feel unable to give permission without having criminal background checks done as to the adults who will be supervising the activity. Under AB 408, the caregiver could grant permission for the child to participate in these activities as long as the caregiver takes reasonable steps to determine the appropriateness of the activity.

County Counsel has indicated that the "prudent parent" standard is not sufficient to ensure that dependent children will enjoy the same activities as their non-dependent peers because it makes no provisions for foster parents to execute binding waivers on behalf of the child and provides no immunity for the foster parents, the County, or DCFS staff if the child is injured during one of these activities.

The Department of Children and Family Services (DCFS) supports the intent of the bill but has expressed concerns that AB 408 will increase the workload and County liabilities by requiring social workers and the court to seek, facilitate and report on the foster child's relationship with his/her mentor(s). Efforts to maintain these relationships would necessitate an assessment of the suitability of the committed adult to enhance safety. DCFS also noted that there is no State appropriation for these new activities, and is also concerned about the prudent parent provision. Therefore, DCFS recommends that AB 408 be amended to: 1) delete the bill language that would "prohibit any State regulation or policy from preventing or creating barriers to participation in child enrichment activities"; and 2) include an appropriation sufficient to cover the additional workload costs.

Based on County Counsel's comments, we recommend that AB 408 also be amended to provide immunity for foster parents, the County, and DCFS staff if the child is injured during an activity under the prudent parent standard.

Because AB 408 will help ensure that no child leaves foster care without a life-long connection to a committed adult and a higher quality of life for children in foster care, DCFS recommends that the County support AB 408 if amended as indicated above, and we concur. Support of the intent of AB 408 is consistent with Board policy to support legislation that facilitates successful emancipation, promotes self-sufficiency and improves opportunities for youth aging out of foster care. Making support for AB 408 contingent on the requested amendments is consistent with existing County policy to oppose unfunded mandates and to limit dependency related liability.

AB 408 is supported by the California Youth Connection, Children's Law Center of Los Angeles, Family Builders by Adoption, Junior Leagues of California State Public Affairs Committee, and Youth Law Center. The County Welfare Directors Association (CWDA) has a position of oppose unless amended to require inquiry into relationships only at certain limited stages in the proceedings. AB 408 is set for hearing on Tuesday, April 29, 2003 in the Assembly Human Services Committee.

DEJ:GK
MAL:EW:ib

c: Executive Officer, Board of Supervisors
 County Counsel
 Department of Children and Family Services
 Juvenile Court